

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEMETRIUS BAILEY,)
Plaintiff,) Civil Action No. 09 - 750
v.) District Judge Donetta W. Ambrose
EDWARD RENDELL; THOMAS J. RIDGE;)
THOMAS CORBETT JR.; STEVEN ZAPPALA;)
JEFFREY P. MANNING; STATE SENATE;)
STATE HOUSE OF REPRESENTATIVES)
Defendants.)

MEMORANDUM ORDER

The above captioned complaint was filed on June 11, 2009 and was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges' Act, 28 U.S.C. § 636(b)(1), and former Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation (doc. no. 5), filed on October 27, 2009, recommended vacating the Court Order granting the Plaintiff's motion to proceed in forma pauperis (doc. no. 2), denying the Plaintiff's motion to proceed in forma pauperis in accordance with 28 U.S.C. § 1915(g) and dismissing this action for the Plaintiff's failure to pay the filing fee, with the right of the Plaintiff to reopen by paying the full \$350.00 filing fee within sixty (60) days. No objections have been filed. This Court's review of the Report and Recommendation is *de novo*.

Upon independent review of the Record, and upon consideration of the Report and Recommendation, the following order is entered:

AND NOW, this 4th day of January, 2010;

IT IS HEREBY ORDERED that the Order dated June 17, 2009, granting the Plaintiff's motion to proceed in forma pauperis (doc. no. 2) is VACATED.

IT IS FURTHER ORDERED that the Plaintiff's Motion to Proceed In Forma Pauperis is **DENIED**.

IT IS FURTHER ORDERED that this action is **DISMISSED** for the Plaintiff's failure to pay the filing fee with the right of the Plaintiff to reopen by paying the full \$350.00 filing fee within sixty (60) days.

IT IS FURTHER ORDERED that the Report and Recommendation (doc. no. 5) of Magistrate Judge Lenihan, dated October 27, 2009, is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.



Donetta W. Ambrose
United States District Judge

cc: Demetrius Bailey
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